

REMARKS

Claims 1-28 are pending in this application. The Office Action subjects claims 1-28 to a Restriction Requirement. By this Amendment, claim 20 is amended and claims 1-19 and 25-28 are elected with traverse. Support for this amendment may be found in the present specification at, for example, Figure 1, and Figure 2(a) through 2(e). No new matter is added.

I. Amendment

By this Amendment, claim 20 is clarified in order to better express the nature of the method claimed therein. Specifically, claim 20 is amended to recite that the first step comprises applying *to a substrate* a material as recited, and that the final step comprises stacking a solid component *on the organosilicon resin layer*. See the present specification at, for example, Figures 1 and 2. In this way, claim 20 recites a method of manufacturing the optical component recited in at least claim 1.

Applicants respectfully note that this Amendment is made merely to clarify the method, and not in response to any rejection or objection.

II. Restriction

In response to the Restriction Requirement, Applicants provisionally elect Group I, claims 1-19 and 25-28 drawn to an optical component, with traverse. Applicants traverse on the grounds that the claims share the same special technical feature and do not lack unity of invention.

National stage applications filed under 35 U.S.C. §371 are subject to unity of invention practice as set forth in PCT Rule 13, and are not subject to U.S. restriction practice. See MPEP §1893.03(d). PCT Rule 13.1 provides that an "international application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept." PCT Rule 13.2 states:

Where a group of inventions is claimed in one and the same international application, the requirement of unity of invention referred to in Rule 13.1 shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. The expression "special technical features" shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art.

A lack of unity of invention may be apparent "*a priori*," that is, before considering the claims in relation to any prior art, or may only become apparent "*a posteriori*," that is, after taking the prior art into consideration. See MPEP §1850(II), quoting *International Search and Preliminary Examination Guidelines* ("ISPE") 10.03. Lack of *a priori* unity of invention only exists if there is no subject matter common to all claims. *Id.* If *a priori* unity of invention exists between the claims, or, in other words, if there is subject matter common to all the claims, a lack of unity of invention may only be established *a posteriori* by showing that the common subject matter does not define a contribution over the prior art. *Id.*

In the present application, both Group I (claims 1-19 and 25-28) directed to an optical component and Group II (claims 20-24) directed to a method of making an optical component share the same special technical features of a optical material on a substrate, wherein the optical material is covered by an organosilicon resin layer, and a solid component is stacked on top of the optical material and organosilicon resin layer. Claim 20 has been *clarified* to show that (1) there is only one solid component, and (2) the order of the layers is the same as in claim 1. See above.

Accordingly, all the claims share common subject matter and, therefore, *a priori* unity of invention exists between all the claims. Thus, for the present application, a lack of unity of invention may only be determined *a posteriori*, or in other words, after a search of the prior art has been conducted and it is established that all the elements of the independent claim are known. See ISPE 10.07 and 10.08.

The Office Action does not establish that each and every element of the subject matter that is common to independent claims 1 and 20 is known in the prior art. Therefore, Applicants respectfully submit that lack of unity of invention has not been established, and thus a restriction requirement based on a lack of unity of invention is improper.

Thus, reconsideration and withdrawal of the Restriction Requirement is respectfully requested.

X. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the application are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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